

REMARKS

Modification to Specification

The Applicant requests the Examiner's approval in making a modification to the paragraph on Page 11, line 12 through line 14. The modification does not add new matter to the specification. The modification describes the ground extension draining RF current from the plasma boundaries and the ground extension including a RF grounded conductive material.

The Applicant respectfully submits that new matter is not being added to the Specification because the patent application discloses the use of a RF power supply operatively coupled to a first powered electrode. The Applicant also respectfully submits that the draining of RF current through a ground extension that includes a RF grounded conductive material is supported by *inter alia* the specification at Page 15, line 2 through line 18.

Thus, modifying the specification simply serves the purpose of clarifying language within the specification.

35 USC 112 Claim Rejections

In the Examiner's Office Action, the Examiner identifies that claim 13 recites a limitation with insufficient antecedent basis.

The Applicant is grateful to the Examiner for identifying this mistake. The Applicant has corrected the mistake by providing sufficient antecedent basis in the amended claim 13.

35 USC 102 Claim Rejections

The Applicant has amended the independent claims to overcome the Examiner's 102 rejections. More particularly, the preamble of independent claims 1

and 13 has been changed to describe the generation of a confined plasma within a plasma processing chamber. Additionally, independent claim 1 has also been amended to include the element “a plurality of confinement rings surrounding said confined plasma”. Independent claim 13 has also been amended to include the element “a plurality of confinement rings surrounding said first powered electrode and said second electrode”.

In *W.L. Gore & Associates v. Garlock, Inc.*, the Federal Circuit stated that “[a]nticipation requires the disclosure of a single prior art reference of each element of the claim under consideration.”¹ The Examiner will appreciate that the Mabuchi et al. (6,091,045) patent fails to disclose a plurality of confinement rings surrounding the confined plasma. Additionally, the Mabuchi patent fails to disclose a plurality of confinement rings surrounding the first powered electrode and the second electrode.

The Applicant has also amended the preamble of independent claim 18 to include the additional element of “including a plurality of confinement rings surrounding said confined plasma”. To interpret the preamble the Federal Circuit has stated that when there is no meaningful distinction to be drawn between the claim preamble and the rest of the claim, the preamble and the rest of the claim comprise the “claim”.² Additionally, when the claim drafter chooses to use both the preamble and the body to define the subject matter of the claimed invention, the invention so defined, and not some other, is the one the patent protects.³

With respect to claim 18, the Applicant requests that the Examiner interpret the preamble of claim 18 as an element in the claim. If the preamble language of “including a plurality of confinement rings surrounding said confined plasma” is

¹ *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

² *Pitney Bowes Inc. v. Hewlett-Packard Co.*, 182 F. 3d 1298, 51 USPQ 2d 1161, 1166 (Fed. Cir. 1999).

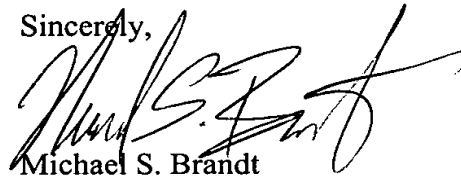
interpreted as an element of claim 18, then there is no teaching of this element in the Mabuchi patent.

The limitations provided in each of the independent claims are applied to each of the dependent claims. Since the independent claims overcome the Examiner's rejection, then each of the dependent claims also overcome the Examiner's rejection.

35 USC 103 Claim Rejections

The Applicant cancels claims 20 and 21 and reserves the right to prosecute these or similar claims in continuation applications, continuation-in-part patent application, and other such patent applications.

Sincerely,



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³ Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d at 620, 34 USPQ 2d at 1820.